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11 *Attorneys for Plaintiff, Deutsche Bank National Trust Company, as Indenture Trustee for*
12 *American Home Mortgage Investment Trust 2007-1*

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS INDENTURE TRUSTEE
FOR AMERICAN HOME MORTGAGE
INVESTMENT TRUST 2007-1,

Plaintiff,

vs.

OLD REPUBLIC TITLE INSURANCE
GROUP, INC.; OLD REPUBLIC NATIONAL
TITLE INSURANCE COMPANY;
FOUNDERS TITLE COMPANY OF
NEVADA; DOE INDIVIDUALS I through X;
and ROE CORPORATIONS XI through XX,
inclusive,

Defendants.

Case No.: 3:20-cv-00535-MMD-CLB

**MOTION FOR EXTENSION OF TIME
TO SERVE SUMMONS AND
COMPLAINT**

Plaintiff, Deutsche Bank National Trust Company, as Indenture Trustee for American Home Mortgage Investment Trust 2007-1 (“Deutsche Bank”), by and through its counsel of record, Darren T. Brenner, Esq. and Lindsay D. Robbins, Esq. of the law firm of Wright, Finlay & Zak, LLP, hereby moves for a 60-day extension of time to serve process on Defendant, Founders Title Company of Nevada (“Founders Nevada”) pursuant to Rule 4 of the Federal Rules of Civil Procedure.

I. INTRODUCTION AND FACTS

On September 22, 2020, Deutsche Bank commenced this suit in the Eighth Judicial District Court, Case No. CV20-01412, against Defendants for breach of contract and bad faith arising out of Old Republic National's wrongful denial of a title policy claim for indemnity and defense of title stemming from a Nevada HOA foreclosure sale. The same day, Old Republic National removed to this Court. Founders Nevada issued the Policy which provided for affirmative coverage for losses arising from the HOA's superpriority lien. Founders Nevada is therefore, a proper party to this action, as they issued and underwrote the Policy connected to the purchase of the Property.

Deutsche Bank has been unsuccessful at serving Founders Nevada to date. Founders Nevada does not maintain a registered agent for service within the state of Nevada; however the Nevada Secretary of State website identifies several out-of-state officers for which Deutsche Bank may serve under Fed. R. Civ. P. 4(h):¹

Title	Name	Address	Last Updated	Status
President	GORDON H. HELLWIG, JR.	10464 BRUNSWICK RD, PO BOX 1102, GRASS VALLEY, CA, 95945, USA	1/28/2005	Active
Secretary	WILLIAM S. GREGORY	901 H STREET, STE 400, SACRAMENTO, CA, 95814, USA	1/28/2005	Active
Treasurer	WILLIAM S. GREGORY	901 H STREET, STE 400, SACRAMENTO, CA, 95814, USA	1/28/2005	Active
Director	P MICHAEL TRUDEAU	350 CALIFORNIA ST SUITE 1200, SAN FRANCISCO, CA, 94104, USA	6/16/2005	Active

December 21, 2020 is the current deadline to serve Founders Nevada pursuant to Fed. R. Civ. P. 4(m). Given that the officers for Founders Nevada are all located out-of-state, the addresses were last updated in 2005, and in light of the COVID-19 pandemic and upcoming

¹ A true and correct copy of the printout from the Nevada Secretary of State Website is attached as **Exhibit 1**.

1 holidays, Deutsche Bank requests a 60-day extension of time to serve the Summons and
2 Complaint on Founders Nevada. While the addresses for the various officers are dated, their
3 status is identified as “active” and Deutsche Bank is hopeful that service on Founders Nevada at
4 these out-of-state addresses will be effectuated within the time period requested. The 60-day
5 extension will allow Deutsche Bank sufficient time to not only effectuate out-of-state service on
6 Founders Title’s out-of-state officers and directors, but also to confirm whether additional steps
7 are necessary to serve Founders Nevada.

8 **II. ARGUMENT**

9 Fed. R. Civ. Pro. 4(h) provides that a corporation within a judicial district of the United
10 States may be served in a judicial district of the United States by following state law for serving
11 a summons in an action brought in courts of general jurisdiction in the state where the district
12 court is located or by delivering a copy of the summons and complaint on a registered agent or
13 in any manner prescribed by Fed. R. Civ. P. 4(e)(1) for serving an individual. Fed. R. Civ. P.
14 4(e)(1) similarly allows service provided for by state law. Nev. R. Civ. P. 4.2(c)(1)(A) provides
15 for service of process on an entity by leaving process with the registered agent thereof or any
16 officer or director of a corporation. With respect to timing, Fed. R. Civ. P. 4(m) provides that if
17 a plaintiff shows good cause for why service was not completed within 90 days after the filing
18 of a complaint, the court must extend the time for service for an appropriate period.

19 Here, Deutsche Bank seeks an extension of time to serve process on Founders Nevada.
20 Founders Nevada does not maintain a registered agent with the Nevada Secretary of State;
21 however, the Nevada Secretary of State website lists several officers and directors for which
22 Deutsche Bank to serve process in compliance with Fed. R. Civ. P. 4(h). All four officers and
23 directors are located out-of-state and the addresses were last updated in 2005. Good cause exists
24 for the extension of time because Deutsche Bank’s counsel was unaware that it needed to
25 attempt service on Founders Nevada’s out-of-state officers until December 21, 2020, when
26 Nationwide Legal Services, the vendor retained by Deutsche Bank’s counsel to serve Founders
27 Nevada, informed counsel that it was having issues serving the entity.

1 In light of the COVID-19 pandemic, upcoming holidays, and the fact that the officers
2 are located out-of-state, Deutsche Bank seeks a 60-day extension of time to serve the Summons
3 and Complaint on Founders Nevada. This motion is made in good faith and is not intended for
4 the purpose of delaying said action. Moreover, the parties will not be harmed or prejudiced if
5 this Court grants the relief requested herein.

6 **III. CONCLUSION**

7 Based on the above, Deutsche Bank requests that this Court grant the Motion to Extend
8 Time to Serve and enter an Order granting a 60-day extension of time to serve Founders Nevada
9 on its out-of-state officers and directors.

10 DATED this 21st day of December, 2020.

11 WRIGHT, FINLAY & ZAK, LLP

12 /s/ Lindsay D. Robbins, Esq.

13 Darren T. Brenner, Esq.

14 Nevada Bar No. 8386

15 Lindsay D. Robbins, Esq.

16 Nevada Bar No. 13474

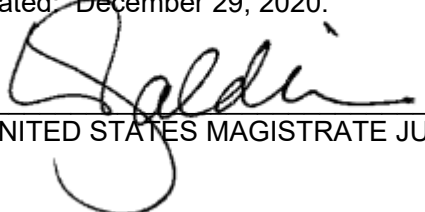
17 7785 W. Sahara Ave., Suite 200

18 Las Vegas, NV 89117

19 *Attorneys for Plaintiff, Deutsche Bank National*
20 *Trust Company, as Indenture Trustee for American*
21 *Home Mortgage Investment Trust 2007-1*

22 IT IS SO ORDERED.

23 Dated: December 29, 2020.

24 
25 UNITED STATES MAGISTRATE JUDGE
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CERTIFICATE OF SERVICE

Pursuant to Fed. R. Civ. P. 5(b) and Electronic Filing Procedure IV(B), I certify that on the 21st day of December 2020, a true and correct copy of this **MOTION FOR EXTENSION OF TIME TO SERVE SUMMONS AND COMPLAINT** was transmitted electronically through the Court's e-filing electronic system to the attorney(s) associated with this case.

/s/ Faith Harris

An Employee of WRIGHT, FINLAY & ZAK, LLP

<u>Exhibit List</u>	
Exhibit 1	Printout from Nevada Secretary of State Website